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**BEFORE THE  
PHYSICAL THERAPY BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

JOHN SHIPLEY, P.T.  
30591 CG-Lorane Road  
Cottage Grove, Oregon 97424

Physical Therapy License No. PT 17354

Respondent.

Case No. 1D-2007-64973

**A C C U S A T I O N**

Complainant alleges:

**PARTIES**

1. Steven K. Hartzell (Complainant) is the Executive Officer of the Physical Therapy Board of California. He brought this action solely in his official capacity and is represented in this matter by Edmund G. Brown Jr., Attorney General of the State of California, by G. Lynn Thorpe, Deputy Attorney General.

2. On or about April 17, 1991, the Physical Therapy Board of California issued Physical Therapy License Number PT 17354 to John Shipley, P.T. (Respondent). The Physical Therapist License was in full force and effect at all times relevant to the charges brought herein and expired on April 30, 2007, unless renewed.

JURISDICTION

3. This Accusation is brought before the Physical Therapy Board of California, Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 2609 of the Code states:

The board shall issue, suspend, and revoke licenses and approvals to practice physical therapy as provided in this chapter.

5. Section 2660 of the Code states:

The board may, after the conduct of appropriate proceedings under the Administrative Procedure Act, suspend for not more than 12 months, or revoke, or impose probationary conditions upon any license, certificate, or approval issued under this chapter for unprofessional conduct that includes, but is not limited to, one or any combination of the following causes:

(i) Conviction of a violation of any of the provisions of this chapter or of the State Medical Practice Act, or violating, or attempting to violate, directly or indirectly, or assisting in or abetting the violating of, or conspiring to violate any provision or term of this chapter or of the State Medical Practice Act.

6. Section 2305 of the Code provides, in relevant part, that revocation, suspension, or other discipline imposed by another state upon the license to practice medicine issued by that state that would be grounds for discipline in California of a licensee under this chapter, shall constitute grounds for disciplinary action for unprofessional conduct against the licensee in this state.

7. Section 141 of the Code states:

“(a) For any licensee holding a license issued by a board under the jurisdiction of the department, a disciplinary action taken by another state, by any agency of the federal government, or by another country for any act substantially related to the practice regulated by the California license, may be a ground for disciplinary action by the respective state licensing board. A certified copy of the record of the disciplinary action taken against the licensee by another state,

1 an agency of the federal government, or another country shall be conclusive evidence of the  
2 events related therein.

3 “(b) Nothing in this section shall preclude a board from applying a specific statutory  
4 provision in the licensing act administered by that board that provides for discipline based upon a  
5 disciplinary action taken against the licensee by another state, an agency of the federal  
6 government, or another country.”

7 8. Section 2661.5 of the Code states:

8 (a) In any order issued in resolution of a disciplinary proceeding before  
9 the board, the board may request the administrative law judge to direct any licensee found guilty  
10 of unprofessional conduct to pay to the board a sum not to exceed the actual and reasonable costs  
11 of the investigation and prosecution of the case.

12 (b) The costs to be assessed shall be fixed by the administrative law judge  
13 and shall not in any event be increased by the board. When the board does not adopt a proposed  
14 decision and remands the case to an administrative law judge, the administrative law judge shall  
15 not increase the amount of the assessed costs specified in the proposed decision.

16 (c) When the payment directed in an order for payment of costs is not  
17 made by the licensee, the board may enforce the order of payment by bringing an action in any  
18 appropriate court. This right of enforcement shall be in addition to any other rights the board may  
19 have as to any licensee directed to pay costs.

20 (d) In any judicial action for the recovery of costs, proof of the board's  
21 decision shall be conclusive proof of the validity of the order of payment and the terms for  
22 payment.

23 (e) (1) Except as provided in paragraph (2), the board shall not renew or  
24 reinstate the license or approval of any person who has failed to pay all of the costs ordered under  
25 this section.

26 (2) Notwithstanding paragraph (1), the board may, in its discretion,  
27 conditionally renew or reinstate for a maximum of one year the license or  
28 approval of any person who demonstrates financial hardship and who enters into a

1 formal agreement with the board to reimburse the board within that one year period for those  
2 unpaid costs.

3 (f) All costs recovered under this section shall be deposited in the  
4 Physical Therapy Fund as a reimbursement in either the fiscal year in which the costs are actually  
5 recovered or the previous fiscal year, as the board may direct.

6 9. Section 125.3 of the Code provides, in pertinent part, that the Board may  
7 request the administrative law judge to direct a licentiate found to have committed a violation or  
8 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation  
9 and enforcement of the case.

10 **CAUSE FOR DISCIPLINE**

11 (Out-of State Discipline)

[Bus. & Prof. Code §§ 2660(i), 2305 and 141]

12 10. Respondent is subject to disciplinary action pursuant to sections 2660(i),  
13 2305, and 141 of the Code in that on or about January 31, 2007, the State of Oregon Physical  
14 Therapist Licensing Board in an action entitled *In the Matter of the Physical Therapist License of*  
15 *John Steven Shipley*, Case No. PT208-3/05 placed Respondent on probation for two years.  
16 Respondent was further required to pay a fine, required to complete Oregon Board-approved  
17 professional boundaries course, and required to have a chaperone present while providing  
18 physical therapy to female patients as part of a Stipulation and Final Order. As part of the  
19 aforementioned Stipulation and Final Order, Respondent admitted to having committed record  
20 keeping and treatment violations.

21 11. The foregoing facts constitute grounds for discipline for unprofessional  
22 conduct pursuant to sections 2660(i) and 2305 of the Code and constitutes grounds for discipline  
23 pursuant to section 141 of the Code.

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**PRAYER**

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Physical Therapy Board of California issue a decision:

1. Revoking or suspending Physical Therapy License Number PT 17354, issued to John Shipley, P.T. John Steven Shipley, P.T.
2. Ordering John Steven Shipley, P.T. to pay the Physical Therapy Board of California the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 2661.3; and
3. Taking such other and further action as deemed necessary and proper.

DATED: May 31, 2007

Original Signed By:  
STEVEN K. HARTZELL  
Executive Officer  
Physical Therapy Board of California  
Department of Consumer Affairs  
State of California  
  
Complainant